

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
September 18, 2006**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor George Morren at 7:30 PM. Mayor Morren led the pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Morren stated that the meeting has been properly advertised in the December 17, 2005, issue of the Somerset Messenger Gazette and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder-present, Mr. Brian Griner-present, Mr. Brad Merritt-present, Mr. Jared Witt-present, Mr. Edward Zimmerman-present.
Late Attendance – Ms. Eileen Uhrik (7:35 PM).

Also present: Deputy Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Borough Engineer William Tanner.

APPROVAL OF MINUTES

Regular Minutes – August 21, 2006 - Motion to approve the minutes was made by Batchelder with a second by Griner. Motion carried on roll call vote – all ayes; Merritt-abstain, Witt-abstain

PUBLIC COMMENTS

Martin Engelbrecht, resident, requested the proper emergency contact numbers for police, fire, and rescue. Mr. Engelbrecht was directed to use the Somerset County Communications Dispatch number for fire and rescue and the NJSP Dispatch Center in Hamilton until Councilman Griner can ascertain the correct number(s) for all entities.

Hearing no comments/questions, the floor was closed to the public.

ENGINEER'S REPORT

Report dated September 14, 2006, for August 2006 was received and distributed (copy on file in the Borough Clerk's Office). The following items were discussed:

County Park Project – Minor items are still pending for completion of Phase I; Phase II – Due to there being no bids received on two occasions for the restrooms, a negotiation process will be underway for this work; the playground equipment and installation was awarded by Montgomery Township; miscellaneous park installations are still pending - a meeting will be held by the park committee to address these issues; the County workers are scheduled to come back on 10/1/06 to work on VanHorne Park and Panicaro Park. It was noted that the official opening of the park is on hold due to the outstanding issues. Suggestion was made by Council that consideration be given to opening the park for passive recreation uses while the active use areas are still being worked on. Engineer Tanner will discuss this suggestion with Montgomery Township. Long-term maintenance needs were discussed which need to be further discussed during the budget process. Engineer Tanner will provide an estimate of costs to be considered in next year's budget.

Motion was made by Merritt with a second by Witt to authorize the expenditure of funds (\$1239.00 – which is 20% of the total cost) contingent upon certification by the CFO for chem-lawn services (weed control) by TrueGreen-ChemLawn at the Park. Engineer Tanner advised that Montgomery Township is in agreement with this County Co-op award. The total cost is \$6195.00; 80% of which is to be paid by Montgomery Township. Motion carried on roll call vote – all ayes.

Princeton Avenue Sidewalks and Montgomery Avenue Improvements – Construction is underway on these projects. All were in favor of Engineer Tanner's recommendation to have the existing discharge pipe from the Oakley residence on Montgomery Avenue connected to the drainage system. The Oakleys have agreed with this also.

Municipal Recreation Shelter – Invoice was received from Hahr Construction requesting additional compensation (\$4,000.00) for this project due to loss of time incurred by a shut-down imposed by the Building Inspector and additional work performed beyond the scope of the award. Upon request by Mayor and Council, Engineer Tanner will request the contractor provide a more detailed breakdown of the services performed for further review and consideration.

Tier B Permit – Recommended changes to the land use ordinance via memorandum dated 9/14/06 from Engineer Tanner was distributed. Same to be reviewed by Attorney Cruz.

Brush and Tree Limb Removal – Quotes were solicited for this project resulting in the receipt of one bid as follows: JML Landscaping Inc. - \$140/hour. Engineer Tanner advised that the total amount of the contract should not exceed \$3,000.00. Certification of available funds was received from CFO Bobal. Motion was made by Witt with a second by Zimmerman for the approval of the resolution and award to JML Landscaping Inc. for an amount not to exceed \$3,000.00. Motion carried on roll call vote – all ayes. The date of service will be determined after the fall clean-up date is scheduled. (Appendix 1)

Other:

- Mayor Morren requested Engineer Tanner research whether the “centers designation” within the Borough allows for any priority consideration for local and state aid grants available to the Borough.

- Signs – Problems with overhanging branches obstructing street and pedestrian signs were noted on Washington St., Toth Lane, and Crescent Ave. This information will be related to the constables. In regard to faded signs throughout the Borough, Councilwoman Uhrig will identify same and request assistance from the County. Also noted was a knocked down speed limit sign at Rt. 518 and Montgomery Ave.

Public Comments/Questions:

Peggy Harris, resident, noted that overgrown trees and limbs should be addressed by the constables. Further clarification of what was requested in the \$15,000 Recreation Grant filed on behalf of the Borough by Engineer Tanner was provided. Engineer Tanner advised that only tentative items were requested in order to secure the grant. Suggestion was made by Ms. Harris that items to be considered should include: electricity at Panicaro Park, fencing, and a new flag pole. Engineer Tanner will inquire from the County as to whether the flag would be an allowable item. Mayor Morren noted that the flag and lighting for same need to be addressed via either this grant or as a Buildings and Grounds expense.

APPROVAL OF VOUCHERS TO BE PAID

Motion to approve the bill list as presented was made by Batchelder with a second by Merritt. Motion carried on roll call vote – all ayes. (Appendix 2)

DEPARTMENTAL REPORTS

Motion to accept the following reports as presented was made by Zimmerman with a second by Witt. Motion carried on roll call vote – all ayes.

Tax Collector’s Report – August 2006
Treasurer’s Report – None received
Court Administrator’s Report – August 2006

Councilman Merritt asked if a breakdown of the Court Administrator’s report in terms of hazard/non-hazard moving violations could be done. Mayor Morren advised that such a breakdown would be time prohibitive for the court staff.

COMMITTEE REPORTS

Administration and Records – No report at this time.

Building & Grounds – Councilman Zimmerman advised that Randi Zimmerman has made a NJSP sign which is ready to be mounted on the building; Borough Hall grounds have been weeded and trimmed; request has been made by Karen Zimmerman of the Recreation Committee for the Borough’s consideration of an increased amount of our share of the finances. Councilman Zimmerman will further consult with Ms. Zimmerman for more specifics. Discussion continued about the process followed for donating monies for park night events. Courtney White was present and advised that donations that were made were paid directly to vendors that participated in the event; donations were not accepted by her, personally, or the Recreation Committee. Mayor Morren suggested that a procedure for accepting donations be considered in the future.

Finance & Insurance – Budget trial balances were distributed. Mr. Batchelder advised that transfers will begin November 1, 2006, and all department heads should review budgets.

Public Safety & Emergency Services - In regard to complaints received regarding vehicles passing school buses, Councilman Griner will request maps of bus routes from the School Board for distribution to the NJSP officers. Councilman Griner advised that the constables have reported that they are following up on complaints regarding overgrown shrubbery/branches on sidewalks; Mr. Griner will follow up with the constables as to status reports.

Streets & Roads – Report provided during “Engineer’s Report” segment of meeting.

Water, Sewer & Environmental Protection – Councilman Merritt provided reports as provided by Superintendent Larry Merk for June, July, and August (copies on file in Clerk’s Office).

Council Representative to Planning Board – Councilman Batchelder reported that the resolution of approval for Schafer/Pulte was memorialized at the last meeting; an update on the COAH requirements was provided by Susan Kimball to the Board.

Council Representative to School Board – Councilman Witt advised that school is in session; first meeting of the Board is scheduled.

Council Representative to Board of Health – No report at this time; meeting to be scheduled.
Zoning Official – Report dated August 2006 from Zoning Official Raffaelli was received and distributed.
Grants Official – Mr. Griner reported on the Committee’s continued progress in obtaining grants.

SPECIAL BUSINESS:

PUBLIC HEARING/SECOND READING - ORDINANCE #5, 2006 – AN ORDINANCE PROVIDING FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS ALONG PRINCETON AVENUE IN AND BY THE BOROUGH OF ROCKY HILL, APPROPRIATING \$62,000 THEREFOR

Ordinance #5, 2006, as filed in the Borough Clerk’s Office was read by title. Proof of publication was presented. Motion to open the floor to the public was made by Zimmerman with a second by Batchelder. Hearing no comments/questions, the floor was closed. Motion to adopt the ordinance was made by Witt with a second by Griner. Motion carried on roll call vote – all ayes. (Appendix 3)

PUBLIC HEARING/SECOND READING - ORDINANCE #6, 2006 – ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS ORDINANCE OF ROCKY HILL BOROUGH BY ADDING A NEW ARTICLE, ARTICLE 11, “WELL HEAD PROTECTION”

Ordinance #6, 2006, as filed in the Borough Clerk’s Office was read by title. Borough Clerk Griffiths advised that adoption of the ordinance will be held over until the October 16, 2006, whereas the time frame for a response from the Planning Board has not lapsed. Motion was made by Witt with a second by Batchelder to open the floor to the public. Motion carried on roll call vote – all ayes. Hearing no comments/questions, the floor was closed. Action carried to October 16, 2006, Council meeting to be held in the Borough Hall at 7:30 PM.

PUBLIC HEARING - ORDINANCE #7, 2006 – ORDINANCE ESTABLISHING THE LICENSING OF TOWING OPERATORS IN THE BOROUGH OF ROCKY HILL AND TOWING AND STORAGE FEES

Ordinance #7, 2006, as filed in the Borough Clerk’s Office was read by title. Mayor Morren noted that request has been received from Chief Verry of the South Bound Brook Police Department that adoption of said ordinance be carried for further clarification pertaining to the Impounded Vehicles; Storage; Release section of the ordinance. Motion was made by Griner with a second by Witt to open the floor to the public.

Public comments/questions:

Cliff Moore, resident – In regard to the licensing section of the ordinance, Mr. Moore questioned the validity of the ordinance if the contract with the South Bound Brook Police Department is not renewed in the future by the Borough of Rocky Hill. Attorney Cruz advised that the ordinance may be amended in the future in this event. Mr. Moore also expressed concern with the 24 hour storage time frame as outlined in the ordinance which could result in excessive charging by storage facilities as it is written.

It was agreed that Councilman Griner would check the language included in the towing ordinance of Montgomery Township in order to ensure consistency with neighboring municipalities.

Motion was made by Merritt with a second by Zimmerman to continue the public hearing to the October 16, 2006, meeting to be held in the Borough Hall at 7:30 PM. Motion carried on roll call vote – all ayes.

Resolution– Appointment of Borough Clerk as Municipal Registrar – Resolution was presented appointing Donna Griffiths as the Borough Municipal Registrar effective July 1, 2006 (the effective date of the Municipal Clerk appointment) as required by statute. Motion was made by Zimmerman with a second by Witt to approve the resolution. Motion carried on roll call vote. (Appendix 4)

Proposed Ordinance – Authorizing the Mayor and Clerk of the Borough of Rocky Hill, County of Somerset, State of New Jersey, to Execute a License Agreement for Use of Municipal Property Pursuant to Local Lands and Buildings Law – It was agreed that only a license agreement would need to be entered into with the New Jersey State Police for the use of sub-station space in Borough Hall. Motion was made by Witt with a second by Griner authorizing Councilman Ed Zimmerman to negotiate a lease agreement with the NJSP for the sub-station office. Motion carried on roll call vote – all ayes. No action taken on introduction of an ordinance.

COMMUNICATIONS:

Communications as listed on the agenda were discussed, disseminated and/or ordered filed.

- Notice of the Delegates' Luncheon being held at the NJLM Conference was received. Councilman Merritt requested to attend; others interested in attending will advise the Borough Clerk.

UNFINISHED BUSINESS:

Fair Share and Housing Plan Element Discussion – The Fair Share and Housing Element Plan Element has been reviewed by the Planning Board. Public hearing by the Planning Board is scheduled for October 10, 2006, at 7:30 PM. No comments/questions were offered at this time by Mayor or Council.

NEW BUSINESS:

Scheduling of Fall Clean-Up – Previously requested dates by the Borough (10/9 or 10/16) were not available via Raritan Valley Disposal. The Borough Clerk was authorized to request the following dates: 10/17 or any other day within the week of 10/17; 10/24/06. Notice of the agreed upon date to be posted on the website and provided to the Community Group for inclusion in their monthly newsletter.

Community Services Agreement – Washington Knoll – (Councilmembers Griner and Uhrig were recused on this matter.) A copy of a prior Qualified Private Community Services Agreement between the Borough of Rocky Hill and Washington Knoll Property was distributed (not inclusive of all pages of agreement – pages missing from copy provided). Discussion ensued regarding services that are to be provided to the residents of Washington Knoll by the Borough. Specifically, whether snow plowing services are provided by the Borough or whether payment in lieu of services should be provided to the Association. Question arose as to any similar requirement that may imposed in regard to the recently approved Schafer/Pulte Development and Attorney Cruz was requested to ascertain any agreement(s) that were made with this developer relative to services to be provided. A copy of an executed agreement has not been made available for review. A copy of the agreement will be obtained from Mr. Griner. Discussion carried to next meeting.

Recreation Shared Services Agreement with Montgomery Township – Mayor Morren advised of letter received from Karen Zimmerman of the Recreation Committee requesting re-negotiating of the agreement between the Borough and the Township of Montgomery for recreation services. Councilman Zimmerman will contact Ms. Zimmerman for more specifics. Discussion carried to next meeting.

PUBLIC COMMENT

Hearing no other comments/questions, the floor was closed.

ADJOURNMENT:

Motion to adjourn the meeting at 10:00 PM was made by Batchelder with a second by Merritt. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths, RMC
Borough Clerk